REMARKS

The present amendment is accompanied by a petition for a two month extension of time with the appropriate fee.

The present amendment cancels claims 1-10 and presents new claims 23-30. Claim 23 is the main independent claim based on former dependent claim 9. Claim 24 is former claim 10. Claims 23-30 are dependent method claims based on former dependent claims 2-7. No new matter has been added. The flaked bodies have been clarified further regarding their uniformity.

In view of the present amendment, the rejection of claim 1 under 35 U.S.C. 102(e) over Johnson is moot. The rejection of claim 1 under 35 U.S.C. 102(b) over Graham, Kruse or Ronai is moot. The rejection of claims 2-4 under 35 U.S.C. 102 (b) over Ronai is moot. Finally, the rejection of claims 1-4, and 7 under 35 U.S.C. 103(a) is also moot.

Reconsideration is respectfully requested of the rejection of claims 1-10, now claims 23-30, under 35 U.S.C. 103(a) as allegedly unpatentable over Baensch (US 3796812) and Bunch (US 5618574) in view of Kim (US 5773051).

It would appear from the prosecution in this application that the Office has not fully understood the meaning of uniformity of the flaked bodies used to feed fish, especially for bodies of water larger than aquaria, which require larger flakes of uniform size and shape. The present invention deals with the preparation of uniform flakes having different specific weights if the food ingredients are homogeneously mixed in an extruder at a temperature below 80°C and pressed through a breaker plate whose openings have the desired form developing special threads. If the threads are immediately cut to flat tablets, these can be compressed between two calendar rollers maintaining the geometrical shape of the openings in the breaker plate as a cross section of the threads. The pressure of the rollers and the depending thickness of the flakes then influence their specific weight. Thus flakes are prepared with identical properties and identical geometrical scope. For fish ponds, for example, the flakes are thicker and wider, which allows the packaging of the wafer like flakes in round boxes that can be conveniently handled. For smaller fakes, flakes for middle-water feeding or bottom feeding, different specific weights are

made for each flake. The flakes may have different geometrical forms to be optically distinguished by the user (not the fish as the Examiner has stated) before the feeding procedure. Prior to the present invention, it was not possible to use such flakes for feeing aquatic animals with a special optical design in the form of the flakes and colored patterns.

There is no prior art that would motivate, teach or suggest to the skilled artisan the present method of preparing the present flaked for the feeding of aquatic animals. As pointed out in the specification, pages 3-5, the advantages for the method using the present flakes can be summarized:

1. Less costly and faster manufactured.

2. Predetermined optical criteria distinguishing them in color and form for the convenience of the user.

3. Contain thermo labile ingredients (probiotics and vitamins).

4. Variable specific weights due to the calender's pressure and the water content according to the desired position of the feeding area.

5. The uniformed flakes allows for convenient retail packaging.

Turning to the references cited in the rejection, Baensch describes a fish food that overlaps in thickness at the high range. However, Baensch does not teach or suggest using solely unformed bodies of food. In fact, Baensch teaches away from this limitation by pointing out that their invention is not limited to a specific configuration and irregular shaped body sheets may be employed. (Col. 1, line 70 to Col. 2, line 2 of Baensch). In addition, Baensch is silent as to water content, which is important in the present method providing, in part, the desired uniform weight of the flakes.

The Bunch reference is even further away from the present claimed invention. The only reference to flaked fish food is by way of background information noting that such fish food has a number of disadvantages without specifically describing such foods. (Col. 1, lines 27-29). The

Bunch invention concerns improving the growth rate of coloration of fish by using preserved immature insects in the food. (Col 1, lines 26-31). The reference thus clearly does not address the present invention in any way.

Thus the combination of the above with the Kim reference does not teach, suggest or motivate the skilled artisan to the present claimed invention. Kim's flaked fish feed is, in fact, thicker than the present flakes and does not teach that the flakes need to be uniform. Thus the combination of Kim with Baensch still does not motivate the skilled artisan toward using a uniform flaked body for feeding fish as presently claimed. Thus, the Examiner's rejection should be withdrawn.

CONCLUSION

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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